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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.F.A. No. 1528 of 1983

Date of decision: 29.8.2007

State of Haryana **...Appellant**

Versus

Smt. Sheela Kumari **...Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Navneet Singh, Assistant Advocate General, Haryana
for the appellant.

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RAJESH BINDAL, J.

This is an appeal by the State against the judgment of Additional District Judge, Ambala where in a reference under Section 18 of the Land Acquisition Act, 1894 (for short "the Act") compensation for the acquisition of land belonging to the respondent, has been increased from Rs.30,400/- per acre to Rs. 35,000/- per acre.

An area measuring 10 kanals 8 marlas situated in village Haripur was acquired by the appellant vide notification dated October 23, 1975 issued under Section 6 of the Act. The award for the acquisition was made on December 1, 1982 assessing the compensation for the land at Rs. 30,400/- per acre. Considering the material on record, learned Additional District Judge held that for the land situated in the vicinity, which was acquired on June 22, 1973, compensation was assessed at Rs. 35,000/- per acre, accordingly for the acquisition in question also compensation was assessed at Rs. 35,000/- per acre.

Learned counsel appearing for the appellant submitted that for the land situated in the same village, which was acquired vide notification dated June 22, 1973, a compensation of Rs. 23,750/- was awarded by this Court. Accordingly, he submitted that the compensation, which was assessed by the Additional District Judge was quite on the higher side.

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The date of the judgment of this Court awarding Rs. 23,750/- per acre as compensation, for the land acquired in the same village vide notification dated June 22, 1973, is not born out from the record. However, learned counsel for the appellant could not dispute that inspite of the fact that for the earlier acquisition about two years prior to the acquisition in question, even the Collector had assessed the value of the land substantially higher. This shows that during this period there must have been steep rise in the price of the land in the area. The acquisition of the land is for the purpose of utilization for residential and commercial area in the Urban Estate, Panchkula. The assessment made by the learned Additional District Judge increasing the compensation from Rs. 30,400/- per acre to Rs. 35,000/- per acre is not very substantial. Another factum which deserves consideration that total land, which was acquired by the notification in question was merely 10 kanals 8 marlas, so even otherwise, amount of increase in the compensation would be quite small.

Accordingly, I do not find any merit in the present appeal and the same is dismissed.

August 29, 2007 **(Rajesh Bindal)**
Pka **Judge**